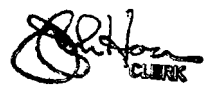


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

FILED
JUL 21 2009

CLERK

UNITED STATES OF AMERICA,	*	
	*	CR 09-30034 (01)
	*	
Plaintiff,	*	
	*	
-vs-	*	ORDER AND OPINION
	*	
CALEB BLUE ARM,	*	
	*	
Defendant.	*	
	*	

The defendant has filed a motion (Doc. 34) to suppress statements with a supporting memorandum (Doc. 35). The government filed a response (Doc. 40). United States Magistrate Judge Moreno conducted an evidentiary hearing on July 1, 2009. The defendant and counsel for both parties were present. I have conducted a *de novo* review of the transcript (Doc. 53) and all other documents and exhibits.

The magistrate issued a report and recommendation (Doc. 52) after announcing his bench decision (Doc. 54). The recommendation is to deny the motion to suppress.

The defendant filed objections (Doc. 56) dealing with the recommendation as to the suppression motion which objections are without legal merit.

The report and recommendation should be adopted, the suppression motion denied, and the objections overruled.

Now, therefore,

IT IS ORDERED, as follows:

- 1) The motion (Doc. 34) to suppress statements of the defendant is denied.
- 2) The report and recommendation (Doc. 52) is adopted.

3) The objections (Doc. 58) of the defendant to the report and recommendation are overruled.

Dated this 21st day of July, 2009.

BY THE COURT:


CHARLES B. KORNMANN
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY:


DEPUTY

(SEAL)